



AGENDA REPORT
March 7, 2019

**Joseph Brandon and Nikki Thomas request a change of zoning
classification from AU to RR-1. (18PZ00154) (District 1)**

SUBJECT:

Joseph Brandon and Nikki Thomas request a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 19.75 acres, located on the southeast corner of County Line Road and Dixie Way. (18PZ00154) (District 1)

FISCAL IMPACT:

None.

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

It is requested that the Board of County Commissioners table the public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), to the April 4, 2019, County Commission meeting.

SUMMARY EXPLANATION and BACKGROUND:

On February 11, 2019, the Planning and Zoning Board heard the request and tabled it to the March 11, 2019, Planning and Zoning meeting to allow the applicant time to meet with the community.

ATTACHMENTS:

Description

- ▯ **Planning and Zoning Minutes**

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 11, 2019, at 3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order by the Chair, Henry Minneboo, at 3:00 p.m.

Board members present were: Henry Minneboo, Chair; Ron Bartcher, Rochelle Lawandales, Brian Hodgers, Ben Glover; Ron McLellan; Peter Filiberto; and Dane Theodore.

Staff members present were: Erin Sterk, Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; Paul Body, Planner II; and Jennifer Jones, Special Projects Coordinator II.

Henry Minneboo, Chair, announced that the Board of County Commissioners will have the final vote on the recommendations made by the Planning and Zoning Board on Thursday, March 7, 2019, at 5:00 p.m.

Excerpt from complete agenda

Joseph Brandon and Nikki Thomas:

A Small Scale Comprehensive Plan Amendment from Residential 1 and Residential 1:2.5, to all Residential 1. The property is 3.15 acres, located on the southeast corner of County Line Road and Dixie Way. (6705 Dixie Way, Mims.) (18PZ00153) (District 1)

Joseph Brandon and Nikki Thomas:

A change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 19.75 acres, located on the southeast corner of County Line Road and Dixie Way. (6705 Dixie Way, Mims) (18PZ00154) (District 1)

Joseph Thomas – Joseph Thomas, 6705 Dixie Way, Mims. The first one is the Future Land Use amendment. We have 19.75 acres, and of that, approximately 3.15 acres on the Future Land Use map is zoned Residential 1:2.5, and we're asking to change that boundary to match the property line, which would make the entire property Residential 1.

Public comment

William Goff – My name is William Goff, I live on Huntington Avenue in Scotsmoor. I think everybody knows that end of Scotsmoor they're talking about is an extremely rural area. Anybody doing anything on Dixie Way is also perilously close to the Indian River, and anything that might be done to impact density in that area because of groundwater issues, well issues, which we all have to have up there, I don't think anybody that's come here today in our group wants to see anything tighter than the existing 2.5 acre restriction. In fact, many of us don't think 2.5 acres is large enough. If this proposal would allow a higher density level than that, then I think everybody in our group who came here is wholly against it.

Daryl Burke – My name is Daryl Burke, I live at 3445 Sunset Avenue, Scotsmoor. I have to agree that some of my concerns are the same as Bill's. The water quality is already marginal at best, depending on how frequently the fields are irrigated. People keep moving up there, and we don't seem to have the infrastructure to support a huge population of people. My concern is if it's 19 acres, RR-1, that's 19 homes, 19 wells, 19 septic tanks. If there's an additional 100 acres beside it, what's going to keep that 100 acres from being done the same way? I think the current zoning up there is 2.5 acres, the

surrounding properties have 150 feet of road frontage that's County maintained. I just don't think that's the right thing to do for the residents that live up there.

Henry Minneboo – Ron, can you help me a little bit? You certainly have some knowledge.

Ron Bartcher – Yes, I looked at that and I don't have a concern with it, and the reason I don't is that what we're doing is dealing with a 3-acre piece out of the 19 acres. If we leave it alone the way it is, they have 16-plus acres to develop.

Henry Minneboo – That has to come back.

Ron Bartcher – When I look at it I see they're asking for 19 houses instead of 16 houses. It's insignificant. I have done some research on the septic tank issue; they're roughly 3,700 feet west of the river, and one of the things the septic tank study showed was that houses that are close to the river within 50 yards, or actually within just over 200 yards, were significant contributors to the pollution in the river; 200 yards is 600 feet, and these people are 3,700 feet. There may be a problem with water; that, I won't dispute, but I don't see it as a septic tank issue.

Henry Minneboo – They're just taking 3.15 acres off of the 19.

Ron Bartcher – Right, that's really what we're addressing, the 3.15 acres.

Cheryl Barnes – I thought we were addressing the 19 acres, so I'm confused.

Erin Sterk – The Comprehensive Plan Amendment, most of the property retains the Residential 1 Future Land Use designation, and the 3.15 acres has the Residential 1:2.5. They are seeking to rezone the entire 19.75 acres, but the Future Land Use Amendment is just on 3.15 acres.

Cheryl Barnes - So, it's not zoned AU (Agricultural Residential) now?

Erin Sterk – It is zoned AU, so we're talking about two different things they have to decide today.

Cheryl Barnes – My name is Cheryl Barnes and I reside at 3800 Sam's Lane, Scotsmoor. Our property is approximately 130 feet from this rezoning request. We purchased this property, approximately 50 acres, in January 2001. It was, and is, surrounded by citrus groves, pasture land, and homes on a minimum of 2.5 acres. Our goal was to purchase some land that we could eventually place into a conservation easement, and in December 2005, we were able to place 40 acres into an easement with Brevard County Environmentally Endangered Lands. I mention our easement because I'd like read you a small section from our easement documentation report, which was prepared for EELs (Environmentally Endangered Lands) by The Nature Conservancy. I'm hoping that along with the map that I'll give you that it will give you a better feel for this northeastern corner of Brevard County. "Laney-Barnes land is located approximately one-tenth of a mile south of a portion of the Merritt Island National Refuge, and three-tenths of a mile north of another portion of the refuge. The property is also within four-tenths of a mile from land that is included within the boundaries of the Indian River Lagoon Blueway Florida Forever Project, which was placed on the State of Florida's land acquisition list in 1998. The Blueway project was designed to protect lands along the Indian River Mosquito Lagoon from Volusia County to Martin County, Florida. The project boundaries were also designed to include gaps in ownership within the existing boundaries of the refuge. Preservation of the buffer land surrounding the Blueway Project is vitally important to the preservation and

improvement of this ecosystem. Map 1 depicts the location of the Blueway Project, Merritt Island National Wildlife Refuge, and the subject easement tract within a network of conservation lands protected and managed by a combination of State and Federal agencies." Members of the committee, the first sentence of Administrative Policy 3 from the Brevard Comprehensive Plan reads, "Compatibility with the existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered." I am asking you to consider the impact this subdivision would have on the residents of the area; a significant number of them move to Scotsmoor seeking a rural quality of life and the negative impact to the continuity of the conservation properties and initiatives in northeast Brevard and southeast Volusia County. (Ms. Barnes showed a map to the board. A copy of the map can be found in file 18PZ00154, located in the Planning and Development Department.) This is our easement, and this is the National Wildlife Refuge property, we are here and the proposed rezoning is right here, up against the refuge property. That's the Volusia County line.

Henry Minneboo – You're almost exactly at what we call the north end of the Indian River.

Cheryl Barnes – Yes.

Nancy Stephens – My name is Nancy Stephens and I live at 6600 Possum Lane, North Brevard County. Everyone was notified within 500 feet of this property. Our property is 1,500 feet, but I am closer to this property in my home than I am my mailbox. It is a very rural area. The smallest tract is 2.5 acres and that 2.5-acre piece was made that way two years ago; it was a 10-acre tract and a mother and child who divided a 10-acre lot to make that 2.5-acre tract. The main thoroughfare for this project would be Volusia County roads. They would go north and then the road coming back west of U.S. Highway 1 is a Volusia County road, and they're narrow. We use them every day and if you've got two cars passing each other, one has to yield off the road a little to let the other one pass. On the Volusia side, their requirements are 10 acres for anything; it's very rural on that side as well. Our concerns, again, we talk about the density and water retention, the natural flow of flooding, the natural runoff going towards the river, being able to support it with emergency, fire rescue, or anything. Who is supporting the additional resources? The Small Area Study included Mims and North Brevard, which was 2.5 acres. Our area is even more rural, so we don't understand how we would go less dense than we would allow in a more populated area. Not to intrude on peoples' property rights, but for the future of our land and our use, and the future of what's going to happen to our environment, it's important to us.

Henry Minneboo – Who is grading County Line Road now?

Nancy Stephens – Brevard grades it to a point.

Henry Minneboo – Then Volusia picks it up?

Nancy Stephens – Yes, sir.

Erin Sterk – It's paved, Mr. Minneboo.

Nancy Stephens – County Line Ditch Road is paved, the rest of it is all dirt. County Line Ditch Road travels east and west.

Henry Minneboo – Brevard does one part and Volusia does another part.

Nancy Stephens – Volusia decided to start paving their roads and they started from the south, which was great.

Henry Minneboo – Of the length of that road, how much is dirt now?

Nancy Stephens – County Line Ditch Road is paved from U.S. Highway 1 to Dixie Way, and that's it. Everything else is dirt.

Henry Minneboo – Thank you.

David Laney – My name is David Laney, I live at 3800 Sam's Lane, my wife and I have the conservation area that she described. Regarding the small change to the Comprehensive Plan, Florida Statute states a comprehensive plan also has to take into account the impact on the adjacent municipalities, the County as a whole, and the adjacent counties. This property is exactly on the property line of Volusia County, and no one on the Volusia County side received notice. County Line Ditch Road is not paved to a paved road standard. It was graded and they brought in used asphalt shavings and spread it out and rolled it, so it's not what you would typically perceive as far as construction, supportability, and durability. A massive rezoning request in 2005 resulted in the Small Area Study, which was submitted to the Board in 2007. Let's look at what the precedent is for previously approved zoning and redevelopment in five years. (Mr. Laney displayed a large map to the board that was not given to staff.) There is some zoning of one per 10 acres, and others as large as 25 acres. Volusia County has made efforts to establish the continuity of the conservation corridor up the Indian River Lagoon and north. If you look at the actual development that has occurred over the last 19 years since we've purchased our property and began developing it as a conservation area for the County, there has been no land in development in this area in that 19 years, nor any greater density than one house per 2.5 acres. Those houses on Dixie Way are all on 2.5 acres or greater, there is no existing active development within the last three to five years at the density that's being requested. If this rezoning were approved, that would establish precedent. Florida Statute states that the legislature finds that non-agricultural land which neighbors agricultural land may adversely affect agricultural production and farm operations on the agricultural land, and may lead to the land's conversion to other urban non-agricultural uses. If this 19.75 acres is allowed 19 homes, that constitutes as a subdivision in the Florida Statutes. That's where development is not appropriate. The Small Area Plan submitted in 2007 regarding Mims and North Brevard, the community valued agricultural heritage and preserved actual working farmland and the agricultural landscape. Aside from Mims and several smaller settlements, such as Scotsmoor, most of Brevard County north and west of Titusville has been and is still rural. It is important to recall and acknowledge that the area as farming, and is a significant aspect of community character today.

Rochelle Lawandales – Do you live on Sam's Hammock?

David Laney – Absolutely.

Rochelle Lawandales – For that to become a conservation area, did you just apply?

David Laney – No, the Brevard County EELs (Environmentally Endangered Lands) program at that time did not address or allow for contributing a donated easement. Everything associated with EELs back then, we had to buy the easement; that's what they expected and that's what they intended. We didn't ask the County to buy it, we donated it. We went to The Nature Conservancy, we had project studies and evaluations, and we developed a 30-page project of what we would do to that property.

Because of the water and lack of drainage, the eastern portion of the property was wet. We rearranged all the drainage on the property; we had three ponds dug to keep water off; then we removed over 3,600 palm trees and planted oak, pine, and other indigenous plants.

Rochelle Lawandales – How many acres is it?

David Laney – It's 50 acres.

Ron McLellan – You mentioned County Ditch Line Road being millings and not proper asphalt.

David Laney – That's correct. It's similar to what Brevard County is doing on Highway 46, west of I-95. It's another problem from the standpoint of the ingress and egress to this property. Dixie Way, running from County Line Ditch Road north, that two miles is all dirt road. It's reasonable to assume that the increased traffic would be on a substandard dirt road.

Ron McLellan – Is County Line Ditch Road a Brevard County road?

David Laney – No, it's Volusia.

Ron McLellan – The residents on the south side of County Ditch Line Road have no pull at all.

David Laney – The residents on the south side of County line Ditch Road are Brevard County.

Ron McLellan – So, you have nothing to do with that road?

David Laney – Correct. And Volusia County doesn't have any input as to what their view would be of the increased traffic on County Line Ditch Road, or on Dixie Way going north from County Line Ditch Road.

Ron McLellan – Volusia County doesn't care what goes on on the south side.

David Laney – I can't say they don't care. An increase in density on land adjacent to their conservation reserves, and the wildlife corridors on their conservation properties, they might have some input on that.

Ron McLellan – My point is if you put more homes in there and you expect Volusia County to fix that road, they're not going to mess with it.

David Laney – I agree. I can't specifically state that they would not fix it, but they have no obligation.

Rose McGinnis – My name is Rose McGinnis, I'm President of the Scotsmoor Community Association. I'm here to let you know that mid-last week is when we were told that the zoning was going to be changed. I live in Scotsmoor, obviously, so I have an axe to grind with that, but I would like you to know that I let the neighborhood know. The property is located at the outskirts of our community, so you wouldn't see those signs easily, so I didn't have a lot of time to let the community know that this may be an issue. I'm sure if more people would have known you would have had probably as many people here as you had for the previous item. That area, if you drive down there, is farms and horses, and there's quite a few trucks already going up and down there from Brevard Lumber. I don't know what their intent is, I guess it's to go to an acre at some point for some of their property, but that's a precedent, and there's a lot of land out there that would no longer be rural. I

have been getting phone calls, and this has been a week of knowing that this was going to change. They seem like fine people, they emailed me and I had a conversation with them through email, but Scotsmoor is rural, and we don't have traffic issues. I think that many of the people living there are concerned that that is not a direction they would like us to take on. That's my personal issue, but if they would like to come to the Association at our next meeting and let the community know what their intentions are, maybe that's an avenue to at least let the community know their intention. Obviously, we don't have a say-so, that's your say-so, but the offer is open to them to let the community know what their intention is. My personal side is I would like to see it stay at 2.5 acres. Drive out there, there's dirt roads everywhere, and imagine an influx of homes from 2.5 acres down to an acre, the amount of population that would put on that infrastructure, I can't see it.

Henry Minneboo – We didn't have any confusion on the advertising, did we? I mean, standard advertising?

Erin Sterk – We did the normal 500-foot radius notice. Also, I'd like to address some of the concerns of the public. Our staff coordinated with the Planning and Zoning staff (from Volusia County) on what their Future Land Use designations and zoning classifications would allow for, and we did elaborate on what those density allowances are within the staff report, so we didn't just report on the surrounding properties that are in Brevard alone. We also spoke with the Transportation Department (Volusia County) on the condition of that road. We looked at it from a preliminary concurrency analysis standpoint, which we traditionally don't talk about pavement quality at this level, so we talked with their transportation engineers about what their trip counts were, because we wouldn't have count data for Volusia County roads. They confirmed a range for a local road of that size, but they had not conducted counts on that particular road. They did say that they did not feel that the number of trips generated by this proposed subdivision would have an impact that would trip the level of service standard for that roadway, so we didn't report that in your comments. We did not specifically ask whether or not the pavement condition would support the trips on it. I've not had to ask that question before at this level, so I'm just not sure if that's something this board chooses to have us go back and re-evaluate, we certainly can do that, but it wasn't something that they brought up as one of their concerns from their staff.

Henry Minneboo – This is a rather unique situation. I can tell another place that has the exact same issue, which is Keenansville, the County owns roads down there that they haven't seen in a long time, either. Sir, do you want to come up and address everything?

Joseph Thomas – First of all, when I was first up here I was just addressing the request for the land use, so I can't say much beyond that, but the understanding is that's just a Future Land Use so it's consecutive with the property boundaries. Basically, that's all that request is for. The second one, which is the rezoning, yes, we live at the property and we plan on living at the property. Right now, we actually have a mobile home on the property, but we're looking at building ourselves a new home on the property and staying there, so it's going to be our personal development, too. It's in a unique location because of where it's located with County Line Ditch Road and it being labeled as a County maintained asphalt road, which by coordinates allows us to attach it and it meets that criteria. We are planning on paving Dixie Way to County Line Ditch Road, it will be required of us to develop our property. Yes, the property is 19.75 acres, but as far as storm drainage retention and roads, it states in the comments that it's only an addition of nine single-family homes over what the existing zoning is now, which is a 50% increase. Also, on the traffic numbers, it was very minimal the actual impact it would have on the existing numbers on U.S. Highway 1; I think it was less than one-tenth of a

percent. Our property is unique because most of the properties in the area do have issues as far as wetlands, lowlands that are in the floodplain; ours happens to be high enough that we're out of them; we do have a tiny bit of wetlands on the back half, but other than that the property is very clean to develop. Addressing one of the biggest concerns in the area, speaking with Rose through emails, is our neighbor has a 100-acre orange grove and he surrounds us on two of the four sides of our property, and I have a letter from him that says he doesn't have an issue with our development, and supports it. If you look at the existing zoning, less than 20% of that is zoned Residential 1, and the other is Residential 1:2.5, and the back portions are five acres, following the analysis they did in Mims, which breaks off from the Lagoon the 5-acre to 2.5 acre, to 1 acre barrier as you approach U.S. Highway 1. When we researched this we looked at all the different prospects of what we could do with the property and we chose to follow this route because it seemed to be clean and pretty much falls in line with what the zoning is and the requirements. I think beyond that, that's about it.

Henry Minneboo – How many people there are living on one acre?

Joseph Thomas – I think the closest one-acre property is 3,600 feet. It addresses it in the comments. Most of the one acre and even smaller parcels are actually in the little hub area of Scotsmoor, which is a couple of miles away, and then it goes out from that. This is unique because we are at the end of the road and we could start paving Dixie Way, which some people want and some people don't, but it kind of starts with a clean place to start; we're not out in the middle of nowhere and we can make a clean development. And it's not 19 homes, I think we're asking for a maximum of 16, and it just depends on the storm drainage. We did a preliminary map with 16 lots, and that's the maximum we could do. I have a copy of that map if you'd like it.

Rochelle Lawandales – No, thank you. They can do a PUD (Planned Unit Development), can't they?

Erin Sterk – They can do a PUD (Planned Unit Development), but they would still have to be consistent with whatever Future Land Use designation the property has.

Rochelle Lawandales – On the 3.5 acres, if it remained Residential 1:2.5, it would have to meet that criteria, whereas the rest can meet the Residential 1 criteria.

Erin Sterk – They can do that with PUD or not.

Rochelle Lawandales – Do you still have the Open Space Subdivision?

Erin Sterk – Yes.

Rochelle Lawandales – Have you evaluated that at all?

Joseph Thomas – Yes, the reason why we're looking at it, and by the way, RR-1 (Rural Residential) is considered a rural residential, meaning that's why we went for the rural residential and the one acre, because a lot of people we know moving to the area, you can't have commercial use, but you can have private horses, animals, barns, and by going with a PUD you're opening up area space, but you're going to smaller individual lots, so they kind of lose that ability to have their own little ranches. That's how we're trying to push this, and that's how we're looking at it for our property, is we have our own little ranch there that we can utilize and keep that rural theme going.

Rochelle Lawandales – Are you amenable to meeting with your neighbors?

Joseph Thomas – I'm fine with that. I did speak to the Laney's, and I was trying to get back with them and I kept missing them, but I know what peoples' opinions are. We did speak to the gentleman who owns the grove, and talked to the neighbor next to him, Andy, and he feels the same as him, and also the people across from us. The people around us, except for the Laney's, don't have an issue with it moving forward, it's mainly people outside of that area, so everybody but the Laney's in the 500-foot radius are okay with it.

Brian Hodgers – Is it 15 or 16 units? On this, it says 15 units. I just wanted to get that confirmed.

Joseph Thomas – We're considering one unit our existing, so it will be an additional 15 to what we have. The 16th is us.

Brian Hodgers – That puts you at roughly a little over 1.2 acres.

Joseph Thomas – I've got to divide it, and what would happen is some of them would be over, and the ones in the back we are going to do a little larger, at 1.5 to 2 acres.

Brian Hodgers – For staff, if it's over an acre, say 1.2 acres, is that going to be acceptable?

Erin Sterk – Right now, they have AU (Agricultural Residential) zoning, so if you're talking about just coming in and doing something administratively and just going to subdivide, then they cannot do that today, they need the zoning regardless whether or not you approve the Future Land Use designation. They could stagger their development pattern. If the Future Land Use were not to be approved and the zoning were to be approved, they could stagger it where there is larger lots in the back on the Residential 1:2.5 portion, so there's a lot of options available to them. And of course, the Open Space Subdivision as well, and that could get them down to a one-acre lot size at the current zoning.

Brian Hodgers – Regarding the comments about the septic tanks, being 3,700 feet from the Lagoon, would they be required to use the new advanced, more expensive, septic tanks?

Erin Sterk – No, they're well outside that boundary.

Henry Minneboo – Ron, are you comfortable?

Ron Bartcher – I gave Rose a call because I felt pretty certain that she would not know about it, and most of the people in Scotsmoor would not know about what was going on with this.

Henry Minneboo – You raised the flag.

Ron Bartcher – I raised the flag, and that's the reason we have all these people here. I didn't see a significant problem with it, but I wanted them to have their input, because they live there. We cited the Mims Small Area Study, which actually stopped just south of Scotsmoor, and at the time we did that study there were several of us that were encouraging the people in Scotsmoor to do the same thing for the north end of the County. Unfortunately, that wasn't done. I would still encourage them to try that approach, because this is the only place that development is going to happen in Brevard County; everything else is spoken for. What we're seeing now is just the tip of the iceberg.

Erin Sterk – If I could add to that, not that the Mims Small Area Study particularly governs this property, but those folks who participated in that recommended a density reduction everywhere east

of U.S. Highway 1, so the recommendation that came out of that study was that everything go to Residential 1:2.5 east of U.S. Highway 1, and the County Commission upheld the one unit per acre density allowance pretty much to the boundary that it is here, and it pretty much goes north-south, it's a very arbitrary boundary, but that is the one unit density that the Commission upheld at that time.

Henry Minneboo – What year was that?

Erin Sterk – 2007. I would assume they probably did density reductions in 2008 just after that, but they did not take the recommendation to reduce density all the way over to U.S. Highway 1.

Henry Minneboo – Have you looked at 2.5?

Joseph Thomas – Yes, initially we looked at 2.5, but just because of criteria to develop the property, what you have to do with feasibility and cost-wise, that's why we moved to the direction of the one acres. We also want to create something as nice as the rural area is; sometimes there's a lot of weird lots and we have a hodge-podge mix of properties up there, and the strange this is that with the current zoning we can go along those lines and create some weird scenarios with the property, but we feel this is a nicer and cleaner way. All the homes would be set off of Dixie Way, so as far as an impact going up and down the road, it's not going to be a huge visual impact from what it is today. It's a field, but no matter what, two homes will go there in the front and that's what it would look like at the 2.5 acres or one acre. To make it feasible and utilize our property and our investment, that's the reason we're looking at the one acre.

Henry Minneboo – You don't have a uniqueness with having a hodge-podge up there, there's other places in the County.

Joseph Thomas – I know.

Henry Minneboo – What's the pleasure of the board?

Ben Glover – I'll make a motion to approve the request to change the Future Land Use to Residential 1.

Rochelle Lawandales – I'll second that. I think there's some value in having the property being under a consistent land use designation.

Dane Theodore – As you know, I'm the School Board representative and I'm going to address my comments to the school issue here, and then give my personal opinions. I think that the land use change is entirely appropriate, making that property consistent. I think that the rezoning, going from an allowed six to a proposed 16 is relatively insignificant, relative to some of the other rezonings that we're seeing throughout the County, as we're seeing on North Merritt Island. As they come one right after the other, I do want to address the issue of the schools. Pinewood is a very small school; it is projected to be 100 students over capacity within the next five years, so while the four new students projected based on this increase in development for this particular application isn't significant per se, the fact that Pinewood is so small, the way the School Board solves that is with either portables or rezoning. I'm going to vote yes for this item only because legislation requires a School Board to consider adjacent schools, contiguous schools, which means that Pinewood is going to send students from that area to Mims; Mims can handle the capacity, and therefore I'm obligated to vote yes, and I'm obligated not to vote no for it because theoretically it has enough capacity in the adjacent school. I

just want to have the board aware of that, much like Merritt Island, as we continue to improve more and more developments in areas where the schools are going to be stressed, the problem is only going to continue, but again, because there is capacity in the adjacent school district, I am going to vote for this, both applications for comp plan and rezoning.

Henry Minneboo called for a vote on the motion as stated, and it passed 6:2, with Minneboo and McLellan voting nay.

Rochelle Lawandales – Mr. Chairman, the zoning to me is a much different situation. I am concerned about several things. One, I think there may be something in between AU (Agricultural Residential) and RR-1 (Rural Residential), whether it's Agricultural Residential, or the SR (Suburban Residential), or one of the estate categories. Have you explored any of that?

Joseph Thomas – Yes, we actually had several meetings with staff trying to figure it out. Yes, there are other zonings, but it comes down to the same density. We were initially looking at the estate zonings, but the animal rights aren't as liberal as the RR-1 zoning, but they all fall under the Residential 1 land use designation.

Henry Minneboo – What's the pleasure of the board?

Ben Glover – I'll make a motion to approve the request to rezone to RR-1.

Brian Hodggers – I'll second.

Henry Minneboo called for a vote on the motion as stated, and the vote failed 4:4. Glover, Hodggers, Bartcher, and Theodore voted in favor. Minneboo, Lawandales, McLellan, and Filiberto voted nay.

Rochelle Lawandales – Maybe the best thing to do is table this and allow you to do a little more planning and consideration, and meet with the neighbors to see if there's something in between the 2.5-acre lot and a one acre lot on average, especially if you look at open space and buffering, and show everybody how you're going to handle the infrastructure, show how you're going to deal with stormwater. I think those are some unresolved things that would probably help some of us on the board, as well as some of the neighbors. Are you comfortable with that?

Joseph Thomas – Yes. Would we be tabled to the next meeting?

Henry Minneboo – That's an option, or you have the right to bring it to the Board of County Commissioners.

Joseph Thomas – I would feel more comfortable meeting with the community. I don't want to go forward with them feeling like I didn't approach them.

Rochelle Lawandales – I'm going to make that in the form of a motion.

Henry Minneboo – You're acceptable to that?

Joseph Thomas – Yes, it would just be tabled to the next meeting?

Erin Sterk – It would be March 11th. That would move you to the April 4th Commission meeting.

Joseph Thomas – It would just set us back one month?

Rochelle Lawandales – Would the March 25th date give you more time? You'd still make the April County Commission date.

Joseph Thomas – We could do the 25th but still meet the April Commission date?

Erin Sterk – That's right.

Joseph Thomas – Is there a plus or minus?

Erin Sterk – It just depends, we send out materials two weeks in advance. From this moment we have two weeks, so if that's not enough time to allow you to do.....some people are working on plans as a result of the meeting. If you are just trying to get that meeting held within that two weeks, you could meet the March 11th date. It's certainly up to you. We just need you to tell us what happened in your meeting with the neighbors more than two weeks in advance, that way we're not walking items onto the board.

Joseph Thomas – We'll try to have the meeting as early as possible.

Rochelle Lawandales – Move to table to March 11th.

Brian Hodgers – Second.

Henry Minneboo called for a vote on the motion as stated, and it passed unanimously.

H. 17

March 3rd, 2019

To: Jennifer Jones

CC: Erin Sterk

From: John Tobia, Brevard County Commissioner, District 3

Re: Meeting Disclosure

Ms. Jones,

In regards to the upcoming agenda item H. 17 for the Planning & Zoning meeting on March 7th, 2019, please be advised in advance that a meeting that took place on February 28th, 2019 at 10:15 am in Commissioner Tobia's office, located at:

2539 Palm Bay Rd. NE

Ste. 4

Palm Bay, FL 32908

The parties present were Commissioner Tobia and Bruce Moia.

This meeting lasted approximately fifteen minutes, during which the above individual provided information on potential solutions to issues which have arisen regarding the above-referenced item.

Sincerely,



John Tobia
County Commissioner, District 3



BOARD OF COUNTY COMMISSIONERS